

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
Richard Weil, MD

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GEORGIA COMPOSITE MEDICAL BOARD **NOTICE OF INTENT TO AMEND AND ADOPT RULES**

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Georgia Composite Medical Board that it intends to amend **Rule 360-6-.03 "Licensure Requirements for Acupuncture" and Rule 360-6-.11 "License Renewal."** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules are being emailed to all persons who have requested, in writing, that they be placed on the mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **December 20, 2013** or make comments at the public hearing. Comments may be directed to LaSharn Hughes, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at lhughes@dch.ga.gov.

A public hearing is scheduled to begin at **9:00 a.m.** on **January 9, 2014** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on **November 8, 2013** meeting. The Board will consider at its meeting on **January 9, 2014 at 9:00 a.m.** the comments from the public hearing whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally at its meeting on **January 9, 2014**, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A)(B)(C)(D).

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-6 ACUPUNCTURE

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS

360-6-.03 “Licensure Requirements for Acupuncture”

Purpose/Main Feature: The purpose of the proposed rule is to include language for verification of citizenship for initial licensure

360-6-.11 “ License Renewal” Purpose/Main Feature: The purpose of the proposed rule is to include language for verification of citizenship for renewal.

Authority O.C.G.A. Secs. 43-1-19, 43-1-25, 43-34-5, 43-34-63, 43-34-64, 43-34-66, 43-34-70, 43-34-72, 43-39-5.

360-6-.03 Licensure Requirements for Acupuncture.

(1) Each applicant for licensure as an acupuncturist must meet the requirements listed below.

(a) An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

~~(a)~~ (b) Must be at least 21 years of age and of good moral character;

~~(b)~~ (c) Submit a completed application required by the Board. Said application shall not be considered completed until all fees have been paid and all required documents have been received by the Board;

~~(c)~~ (d) Must submit three (3) acceptable references: one reference from a licensed United States physician either MD or DO in the jurisdiction where the applicant is practicing and who is familiar with the applicant's practice and two references from practicing acupuncturists familiar with the applicant's practice.

~~(d)~~ (e) Have successfully completed a degree in acupuncture or a formal course of study and training in acupuncture. The applicant shall submit documentation satisfactory to the board to show that such education or course of study and training was:

1. Completed at a school that is accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or other accrediting entity approved by the board; or

2. Completed by means of a program of acupuncture study and training that is substantially equivalent to the acupuncture education offered by an accredited school of acupuncture approved by the board.

(e) Have passed an acupuncture examination offered by an organization accredited by the National Organization of Competency Assurance and approved by the board;

(f) Submit proof of certification in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine;

(g) Completed successfully a clean needle technique course approved by the Board; and

(h) Submitted proof of having professional liability insurance of at least \$100,000/\$300,000.

1. If the licensee changes liability carriers, is canceled by a liability carrier, or cancels liability coverage, the licensee must notify the Board within thirty (30) days of the date of change or cancellation.

2. Failure to maintain liability coverage, pursuant to the Act, may result in suspension of the license for acupuncture.

(i) An applicant must submit all documentation required for the application process within twelve months from the date the Board receives the application.

(2) Every person who holds a license issued by the Board shall inform the Board of any change of address and any other change of information, including but not limited to professional liability coverage, for licensure by this Rule or the Act.

(3) The titles "Licensed Acupuncturist" and "Acupuncturist" shall only be used by persons licensed to practice acupuncture pursuant to the Act and these Rules.

Authority O.C.G.A. Secs. 43-1-19, 43-1-25, 43-34-5, 43-34-63, 43-34-64, 43-34-66, 43-34-70, 43-34-72, 43-39-5.

Acupuncture **360-6-.11 License Renewal.**

(1) All licenses issued pursuant to the Act shall be renewed on a biennial basis. The license will expire on the last day of the month in which the applicant's birthday falls.

(2) Failure to renew a license by the expiration date shall result in a penalty for late renewal as required by the Board.

(3) Licenses not renewed within three (3) months of expiration shall be administratively revoked for failure to renew and shall be posted to the public and posted on the Board's website.

(4) Notwithstanding the provisions of paragraph (3) of this Rule, any service member as defined in O.C.G.A. § 15-12-1 whose license expired while serving on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or written verification signed by the service member's commanding officer to waive any charges.

(5) To be eligible for renewal, a licensee must furnish satisfactory evidence of having met Board approved continuing education requirements, including a minimum of one hour concerning infectious disease.

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(6) Licensees must certify on the renewal form that they have read, understand and are familiar with the Centers for Disease Control and Prevention (CDC) guidelines for preventing the transmission of the Human Immuno-deficiency virus, Hepatitis B and C and other infectious diseases.

(7) Licensees are subject to audit to determine compliance with the continuing education requirements as stipulated in rules promulgated by the Board.

(8) Failure to maintain continuing education requirements is a basis for non-renewal and revocation of license issued pursuant to the Act.

(9) All renewal applicants must provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. 50-36-1(f). If the applicant has previously provided a secure and verifiable document and affidavit of United States citizenship, no additional documentation of citizenship is required for renewal. If the applicant for renewal is not a United States citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for purpose of verifying citizenship and immigration status information of non-U.S. citizens. If the applicant for renewal is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal agency.

Authority O.C.G.A. Secs. 43-1-4, 43-1-31, 43-23-24.1, 43-34-24.1, 43-34-61, 43-34-63, 43-34-67. **Repealed:** New Rule of same title adopted. F: May 11, 2012; eff. May 31, 2012.